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# *Elections*

## IN RURAL NEW YORK

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FIGURE 1. A POLLING PLACE

In most areas of the State, the town board or city council designates a registration and polling place for each election district. In a few counties the Board of Elections has this responsibility. The inspectors of election must see that the American flag is displayed throughout the registration or election.

# Elections in Rural New York

C. A. BRATTON AND E. A. LUTZ

**E**LECTIONS are an important part of our form of government. As our country has developed, government has come to be more and more directed by chosen representatives, rather than by the citizens meeting as a group. The choosing of representatives has made elections essential.

The two general purposes of elections are: to select men or women for public office, and to approve or disapprove the adoption of new measures (referenda). New measures may include proposals to issue bonds, amendments to the State Constitution, and local propositions, such as the consolidation of a school district. In every instance an election is held to obtain the opinion of the voters.

Voting is one way the citizen has to carry out his responsibility for his government, as well as a way to help protect his interest in our form of government. He should know how elections operate and be acquainted with the issues decided by them. The purpose of this report is to present some common facts concerning elections in New York State.

New York election procedures are based on the authority granted in state laws, and in the State and Federal Constitutions. Many laws pertaining to elections have been brought together in the Election Law. Others may be found elsewhere. For example, the Education Law prescribes certain procedures relating to school district elections, and the Town Law and Village Law relating to town and village elections.

## Units of Government

**V**OTERS choose officials for, and vote upon proposals affecting, many units of government in New York in addition to the Federal Government and the New York State Government.

New York State is divided into 62 counties. Five of these counties constitute the area of New York City and are not subject to the same type of county government as that prevailing in the rest of the State. The 57 counties outside of New York City are divided into cities and towns. Altogether there are 61 cities, other than New York City, and 932 towns (townships). The State is also divided into approximately 1,600 school districts.

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Within the towns, there are approximately 550 incorporated villages. Approximately 4,000 special taxing or improvement districts have also been created within the towns, usually outside of incorporated villages. Officers are elected for some of these districts, although town officers administer most of them.

In rural communities of New York, a voter lives within a county, town, and school district, and may live within a village or one or more special districts. He may, therefore, vote for candidates for offices of the federal,

TABLE 1. GOVERNMENT OFFICIALS FOR WHOM A NEW YORK VOTER MAY VOTE

Officer	Term Years	Officer	Term Years
<i>Federal:</i>		<i>City:</i>	
President	4	Supervisor <sup>10</sup>	2
Vice President	4	Other officers and terms depend upon laws relating to individual city, but usually include mayor and councilman or alderman	
2 Senators	6		
Representative	2		
<i>State:</i>		<i>Village:</i> <sup>3</sup>	
Governor	4	Mayor	2 or 4
Lieutenant Governor	4	2, 4, or 6 Trustees	2 or 4
Attorney General	4	Police Justice <sup>11</sup>	4
Comptroller	4		
Senator	2	<i>Union Free School District:</i>	
Assemblyman	2	3 to 9 Trustees:	
7 Judges of Court of Appeals	14	Boundary same as village	3
Supreme Court Judges	14	Boundary different from village	5
<i>County:</i> <sup>3</sup>		<i>Central School District and City School District in cities under 125,000 population:</i> <sup>12</sup>	
County Clerk	3	5, 7, or 9 Members, Board of Education	5
County Treasurer <sup>2</sup>	3		
Commissioner of Public Welfare <sup>2</sup>	3	<i>Board of Education in larger cities:</i>	
1 to 4 Coroners <sup>2</sup>	3	Appointed, except in:	
Sheriff	3	Rochester—5 members	4
District Attorney	3	Syracuse—7 members	4
County Judge and Surrogate <sup>2</sup>	6	<i>Fire District:</i>	
<i>Town:</i> <sup>3</sup>		5 Commissioners	5
Supervisor	2	Treasurer	3
2 or 4 Justices of the Peace <sup>6</sup>	4		
0, 2, 4, or 6 Councilmen <sup>6</sup>	4		
1 or 3 Assessors <sup>6</sup>	2 and 4		
Town Clerk <sup>8</sup>	2		
Town Highway Superintendent <sup>8</sup>	2		
Tax Collector <sup>9</sup>	2		

<sup>1</sup>These officers are common in rural areas. There may be others in particular communities, such as that of county executive, county comptroller, judge of the children's court, and town receiver of taxes and assessments. Terms of office may also vary by special law.

<sup>2</sup>In Monroe, Nassau and Westchester Counties, no county treasurer is elected.

<sup>3</sup>Appointed in Albany, Chemung, Erie, Hamilton, Jefferson, Monroe, Nassau, Ulster and Westchester Counties.

<sup>4</sup>Medical examiners are appointed in Dutchess, Erie, Nassau, Oswego, and Westchester Counties, and no coroners are elected. The district attorney acts as coroner in Jefferson County.

<sup>5</sup>These two offices are filled by different persons in 28 of the 37 counties outside New York City: Albany, Broome, Cattaraugus, Cayuga, Clinton, Columbia, Dutchess, Erie, Fulton, Jefferson, Monroe, Montgomery, Nassau, Oneida, Onondaga, Ontario, Orange, Oswego, Rensselaer, St. Lawrence, Saratoga, Schenectady, Steuben, Suffolk, Ulster, Washington, Westchester. In the other 29 counties, the same person performs the duties of county judge and surrogate. Special county judges are elected in 16 counties for from 3 to 6 year terms. Special surrogates are elected in 11 counties. In all except 15 counties, the county judge or special county judge is judge of the children's court.

<sup>6</sup>Usually one of two justices and one of two councilmen are elected every two years.

<sup>7</sup>If there are three, usually two are elected every two years, one for a 2-year and one for a 4-year term. If there is one, he is elected for two years. Assessors may be appointed by the town board.

<sup>8</sup>May be appointed by the town board.

<sup>9</sup>Town clerk may act as tax collector.

<sup>10</sup>Usually one elected from each city ward to serve on county board of supervisors.

<sup>11</sup>There is no police justice in some villages.

<sup>12</sup>In some such cities, mayor or common council may appoint board.

state, county, town, and school district governments, and perhaps, depending upon his residence, for those running for offices of a village or a special district (table 1). Voters living in a city may vote in elections of officers of the federal, state, county, and city governments, and in elections of school officials in most cities.

## Regular and Special Elections

### Who May Vote

**A** MAN or woman must meet certain qualifications before he or she is entitled to vote in New York State. A person, to vote in most elections must:

1. Be a citizen<sup>1</sup>
2. Be at least 21 years old
3. Have been an inhabitant of the State for one year prior to the election<sup>2</sup>
4. Have resided in the county, city or village for the past four months
5. Have resided in the election district for the past 30 days<sup>3</sup>
6. Be able, except for physical disability, to read and write English  
The ability to read and write English has been required, since 1922, of those voting in the State for the first time. A person may prove literacy in a number of ways. One of them is to complete an affidavit when registering which certifies among other things completion of eighth grade work in a school where English was the language of instruction.
7. Be registered, as described below

A person meeting the qualifications listed may vote at most elections. He must meet additional conditions for certain purposes described below.

### Town elections

To vote upon a proposition involving raising or spending town money, or incurring a town liability, or disposing of town property, the individual must own real property assessed upon the last town assessment roll.

<sup>1</sup> A naturalized citizen must have been naturalized at least 90 days prior to the election.

<sup>2</sup> The New York State Constitution provides that for voting purposes a person neither gains or loses residence by reason of his presence or absence, while among other things a federal employee, a student of a "seminary of learning," an inmate of a prison, or an inmate of a public or private charitable institution. A person convicted of a felony, or judged mentally incompetent by judicial authority, loses the right of suffrage with certain exceptions.

<sup>3</sup> In non-personal registration areas, a voter who moves from one election district to another in the same county within 30 days preceding election, may vote in the district from which he moved.

### **Special District elections**

To vote for officers of special taxing or improvement districts within towns, such as fire districts, a person must have resided in the district for 30 days preceding the election. An individual must meet the property qualification to vote upon a proposition involving raising or spending money, or incurring a liability which is to be a charge against the district. In some types of special districts, a voter must meet the property qualification as well as that of residence to vote both for officers and upon propositions.

### **Village elections**

To vote for village officers, an individual must have lived in the village, rather than the election district, for 30 days preceding the election. To vote upon a village proposition, one must also own property assessed upon the last village assessment roll.

### **School District elections**

The Education Law, rather than the Election Law, sets forth the requirements for voting in school district elections in rural areas. These requirements vary somewhat from those in the Election Law for other elections. A person must:

1. Be a citizen of the United States
2. Be at least 21 years old
3. Have been a resident of the school district for 30 days preceding the election

In addition, a prospective voter must possess one of the following three qualifications:

1. Own, or be the spouse of an owner, lease, hire, or be in possession under a contract of purchase of, real property in the district liable for school taxes<sup>4</sup>
2. Be a parent of a child of school age who attended school in that district for at least eight weeks during the year preceding the school election
3. Although not a parent, have permanently residing with him a child of school age who attended the district school for at least eight weeks of the year preceding the election

In a city school district of under 125,000 population, the qualifications required of a voter in a school election are generally similar to those

<sup>4</sup> Lodgers or boarders who occupy real property are not entitled to vote in a school district election, unless otherwise qualified.



prescribed for voting in general elections, except that a voter must have resided in the school district, instead of the election district, for 30 days.

School elections are held in only two of the larger cities of the State (Rochester and Syracuse). There they are held at the time of the general elections with the same qualifications of voters as in the general city election.

### Registration of Voters

**A**n otherwise qualified voter must be registered before he may vote in the general election in November and in certain other elections.

Registration is required to help prevent fraudulent voting. An important purpose of registration is to provide time to investigate the qualifications of those who claim the right to vote.

Registration should be distinguished from enrollment. *Registration* results in a list of persons eligible to vote in an election. *Enrollment* is a method by which a voter may indicate the political party of his choice, and results in a list of persons eligible to participate in certain decisions of the party such as the nomination of candidates at a primary election.

A person must register in one of three ways, depending upon where he lives and the type of election:

1. *Personal registration* requires that the individual appear personally each year before the appropriate officials unless he meets certain absentee registration requirements
2. *Non-personal registration* involves preparation of the lists each year by the responsible officials without personal appearance by the prospective voter
3. *Permanent personal registration* (PPR) differs from personal registration in that an individual, once registered, remains so as long as his address continues to be within the same election district and if he votes at least once in two successive years

The State Constitution requires personal registration in cities and villages of 5,000 or more population, except for individuals in military service or in veterans' hospitals outside the State, and certain near relatives accompanying them. The Constitution, however, permits the Legislature to provide for permanent personal registration. The Legislature passed a law in 1954 permitting any county outside New York City and the City to adopt such a system. The system, when adopted, supplants personal and non-personal registration.<sup>5</sup>

When a voter must register personally, under either PPR or the annual

<sup>5</sup> As of June, 1957, PPR had been adopted by 8 counties and New York City. The counties were Broome, Chemung, Erie, Monroe, Nassau, Putnam, Schenectady and Westchester.

personal registration system, he may appear before either the board of inspectors of his election district (*local registration*) or the county central registration board (*central registration*) depending upon which is the more convenient.

Local registration comes in the fall on specified days a few weeks before the general election. Where annual personal registration prevails, these days are generally the fifth and fourth Fridays and Saturdays before the general election. The dates are sometimes changed by law for specific years, however. Where permanent personal registration prevails, the local registration lasts a few days ending with the fourth Saturday before the general election.

Central registration continues over a longer period than local. It is generally available, outside of counties using PPR, between May 1 and September 18. In PPR counties, it extends through the year except for a period immediately before and after elections. This period in the fall extends 30 days before local registration and after general election day. The period for other elections includes 15 days before and 5 days after the election day.

Non-personal registration prevails outside cities and villages of 5,000 or more population and outside PPR counties. An individual who votes in such an area may apply personally during either central or local registration although personal appearance is not usually necessary. The inspectors of the election district conduct local registration generally on the fifth and fourth Saturdays preceding the general election. They are supposed to omit names of those persons on the last year's register who are proved to their satisfaction to be no longer voters of the district and to add names of newly eligible voters. A person intending to vote for the first time in the district may want to check with the inspectors to make certain that his name is added.

### **Absentee registration**

Some persons, unable to register personally, may arrange for absentee registration. They include a voter unable to appear personally (and the spouse, parent or child who may be with him under certain circumstances) because:

1. He is ill or physically disabled
2. His duties require him to be outside the State
3. He is an inmate of a veterans' hospital, or other federal or state institution caring for the spouses, parents or children of veterans
4. He is in the military service of the United States or New York State and is to be absent from his election district on election day

Veterans and their near relatives, under 3 above, may be registered by a special registration board visiting the hospital, or by filing an application for an absentee voters ballot if located outside the State. Those in the armed services and their near relatives, under 4 above, are registered, with or without personal initiative, in connection with procedures established for voting by members of the armed forces (described below). The others may apply to the county board of elections. The board, after receiving the application and other certification, determines whether the person qualifies for absentee registration. Applications may be filed between the end of central and the end of local registration.

### **Registration for various local elections**

An individual must be registered if he is to vote in the general election in November. There is no registration, however, for most school district, village and special district elections not held with the general election.

The board of education of a union free or central school district may require registration. In such districts registration for the annual school elections must be personal. In school districts of cities under 125,000 population, a voter must register personally for school elections if he was not registered for the preceding general election or an intervening school district election.

Villages of 3,000 or more population, and any village in Nassau County, may require registration for village elections. The register may be prepared from the town register for general elections or from county PPR records. In villages of 5,000 or more people and in any Nassau County village, new names can be added to the register only if the voter applies personally.

### **Checks upon registration**

The law provides in various ways for checking upon fraudulent registration and establishing correct registers of qualified voters. Any person who applies for registration may be challenged by any qualified voter or watcher present. It is the duty of registration officials to challenge any person applying for registration when they suspect that he is not entitled to be registered or if his name is on a challenge list and he is not known to be a qualified voter. Challenge lists are prepared prior to local registration days by county boards of elections from reports of investigations made by the police, sheriff, or special deputy attorney general.

Upon being challenged, an applicant must answer the questions, under oath, that are contained on a challenge affidavit and which relate to his qualifications as a voter. The police or the sheriff then investigate the

truth of the affidavits. Those proved to be false may be turned over to the district attorney.

Following the registration days, a copy of the register is required to be accessible for public examination at all reasonable hours until election day.

### Time of Elections

THE general election is held annually on the Tuesday after the first Monday in November. Elections are conducted on this day in New York for federal, state, county, town, and city purposes. Village, special district, and school district elections are generally held at other times.

### Federal and state elections

Regular federal and state elections are held in the even-numbered years, but the election of federal executive officers is not in the same year as that of state executive officers (table 2). For example, the presidential election in 1960 follows the 1958 gubernatorial election. In each even-numbered year, the representatives in Congress and members of the State Legislature are elected.

TABLE 2. YEARS IN WHICH NEW YORK VOTERS ELECT FEDERAL, STATE AND LOCAL OFFICIALS<sup>1</sup>

Officials	Gubernatorial year (1958)	Local year (1959)	Presidential year (1960)	Local year (1961)	Gubernatorial year (1962)
<i>Federal:</i>					
President	—	—	X	—	—
Vice president	—	—	X	—	—
Senator	X	—	—	—	X
Senator	—	—	—	—	X
Representative	X	—	X	—	X
<i>State:</i>					
Governor and other executive officers	X	—	—	—	X
Legislature	X	—	X	—	X
Judges <sup>2</sup>	X	X	X	X	X
<i>Local:</i>					
County officers <sup>3</sup>	X	X	X	X	X
Town officers <sup>4</sup>	—	X	—	X	—
City officers	—	X	—	X	—
<i>Local (not usually on general election day)</i>					
Village officers <sup>5</sup>	X	X	X	X	X
School district officers	X	X	X	X	X
Special district officers	X	X	X	X	X

<sup>1</sup>Voters may elect some officials in years other than those shown here because of elections to fill vacancies, special laws applying to individual local governments and other reasons.

<sup>2</sup>Judicial terms are relatively long and expire or become vacant irregularly.

<sup>3</sup>Terms of different county officers do not necessarily expire in the same year.

<sup>4</sup>Town elections in Broome County are in even-numbered years.

<sup>5</sup>Villages may hold biennial elections in either odd- or even-numbered years when elected officers have 4-year terms.

### **County, town, and city elections**

A full slate of county officials is not elected at one time. The terms of most county officers are three years, and in any one county do not all expire in the same year. On the other hand, regular town and city elections are held in the odd-numbered years, except in Broome County. The terms of office of town officials are either two or four years, and expire in an odd-numbered year.

### **Village elections**

In most villages of the State, village elections are held on the third Tuesday in March.<sup>6</sup>

### **Special district elections**

Most fire districts, as well as some other special districts, are administered by district officers rather than by the town officers. In such districts an annual election is held on the first Tuesday in December.

### **School district elections**

The time for holding school district elections depends in part upon the type of school district. The common, union free, and central school districts are the predominant types in rural areas.

Rural school elections are generally held at the time of the annual meeting of the voters of the district. This meeting for common school districts is on the evening of the first Tuesday in May. In most union free and central school districts, the annual meeting is held on the first Tuesday in May or the second Tuesday in July.<sup>7</sup>

In some city school districts the members of the board of education are appointed by the mayor or other authority. In most, however, the members are elected by the voters of the district on the first Tuesday in May, and in Rochester and Syracuse, at the general city elections.

### **Special elections**

Special elections may be called for various purposes from time to time. These purposes may include election of officials to fill certain vacancies and voting upon propositions.

<sup>6</sup> Village Law, sec. 52. Many villages in Nassau and Suffolk Counties, and some elsewhere, hold the village election on the third Tuesday in June.

<sup>7</sup> In some such districts the law permits holding elections of board of education members on the Wednesday following the annual meeting.

## **Where to Vote**

### **Election districts**

The State has been divided into more than 10,000 districts for administering general elections.

Town boards and city councils can establish or alter election districts.<sup>\*</sup> Where no action is taken to create them, the entire town or city ward constitutes an election district.

The size of election districts, in terms of number of voters, is prescribed by law. In general, such districts must be laid out to facilitate the administration of elections and to promote the convenience of voters. If the town board or city council fails to alter election districts according to the requirements of law, the county board of elections must do it. Maps or descriptions of the election districts must be prepared by the body creating the districts, and must be available for public inspection to inform voters of the district boundaries.

The governing boards of villages, fire districts, and union free and central school districts may divide the area of their jurisdiction into districts for purposes of holding elections for those units of government. The law requires specified minimum numbers of voters as a condition to establishing election districts. In city school districts of cities between 10,000 and 125,000 population the board of education must divide the district into election districts.

### **Voting places**

The body which creates or alters election districts is also responsible for voting places within the district. A schoolhouse or other public building (figure 1, page 4) must be selected if its use as a voting place will not interfere with its customary use and if its location is convenient to the voters of the election district.

## **Election Officials**

**E**LECTION officials are appointed for each county outside New York City and for each election district in relation to the general election procedure. The New York State Constitution requires that these appointments shall provide for equal representation of the two major political parties except for town or village elections.

### **The County Board of Elections**

A board of elections exists in each county of the State outside New York City. In counties of less than 120,000 population, of which there are

<sup>\*</sup> The boards of election have this responsibility in Monroe, Nassau, and Suffolk Counties and in the cities of Buffalo and New York.

42, the county board of supervisors appoints two commissioners of elections to the board of elections; in the other 15 counties, two or four commissioners, as the board of supervisors may decide. The New York City Council appoints a four-member board.

The law requires that the county chairmen of the two major political parties file with the board of supervisors recommendations for appointment of commissioners when a vacancy occurs. The board of supervisors usually appoints the persons recommended, so that in effect the election commissioners are selected by the county committees of the two parties. Since not more than one-half of the commissioners can be from the same political party, the board of elections is a bi-partisan body.

The term of the commissioners of elections is two years unless the board of supervisors decides that it shall be four.<sup>9</sup> The board of supervisors fixes the salaries of the commissioners.

The records kept by the board of elections are public records. The board must keep a record of its proceedings, and file such information relating to elections as the law and the Secretary of State of New York State prescribe. It must file an annual report of its affairs with the board of supervisors. The board may appoint and at pleasure remove clerks, voting machine custodians, and other employees, but must maintain equal representation of the two major political parties.

### **The County Central Registration Board**

The central registration board consists of two commissioners of elections who do not belong to the same political party. Thus, in most counties of the State the members of the board of elections constitute the central registration board. In New York City, a two-member central registration board is appointed by the board of election for each of the 5 counties in the City.

### **The County Board of Canvassers**

The board of elections is the county board of canvassers, and performs designated responsibilities relating to compiling, verifying, and reporting election returns.

### **Election District Officials**

Election district officials consist of four inspectors and specified numbers of clerks.

In towns, the town board appoints the inspectors annually providing

<sup>9</sup> In Schenectady County and New York City, the term of office is fixed by law at four years; and salaries in New York City are fixed by law at \$15,000.

for equal representation from the two major political parties.<sup>16</sup> The appointments under ordinary circumstances are made from lists filed with the town board by the chairmen of the county committees of the two parties. In cities, the county board of elections appoints the inspectors of elections, and as in towns, makes appointments from lists submitted by specified authorities of the two major parties. The inspectors appoint one of their number as chairman.

Clerks are employed in certain election districts at the general elections. In these districts, two or four are specified in the law, depending upon the number of voting machines and whether or not paper ballots are used.

The compensation of these election officers is fixed by the town board or city council, subject to limitations prescribed by law.

### **Watchers and Challengers**

Political parties or independent groups may designate watchers and challengers to protect their interests in the election procedure. Each watcher or challenger must be a qualified voter of the county or city in which he is to serve.

Each political party or independent body may appoint not more than two watchers to attend local registration and two for central registration. A watcher may challenge applicants for registration, and may examine any challenge list furnished by the board of elections.

A party or independent body may appoint two watchers for each polling place at a general, special, town, or village election. At a primary election, any political committee, and any two or more candidates whose names are upon the ballot at the polling place, may have a watcher. A watcher may challenge a person when he applies for an official ballot, or when he offers the ballot he intends to vote.

A reasonable number of challengers are also permitted outside of the guardrail at a polling place. The law provides that at least one challenger may be appointed by each party or independent body at an election other than a primary. At a primary election, there may be at least one challenger for any three or more persons of each party whose names are on the party ballot. A challenger, like a watcher, may challenge those applying to vote in a primary or other election.

### **The Secretary of State of New York State**

The Secretary of State in New York has certain responsibilities relating to elections. These include preparing and distributing various election

<sup>16</sup> In Monroe, Nassau, and Suffolk Counties, the board of elections appoints inspectors of election and clerks.



materials to the county boards of election, and tabulating state-wide election returns for official action of the State Board of Canvassers.

### **State Board of Canvassers**

The State Board of Canvassers consists of five members: the Attorney General of the State, one State Senator chosen by the Senate from each of the two major political parties, and one Assemblyman chosen by the Assembly from each of the two parties. This board is responsible for compiling and verifying the statements of the county boards of canvassers and reporting these returns. Its work relates chiefly to federal and state offices and state propositions voted upon.

### **The Attorney General**

The Attorney General of the State may appoint special deputies to take charge of investigation of cases under the Election and Penal Laws relating to crimes against the elective franchise. He may prosecute such crimes whenever the Governor advises him that there is reason to doubt whether the laws are properly enforced in a county.

The district attorney of a county also is responsible for prosecution of crime relating to elections. The Federal Attorney General, head of the United States Department of Justice, is further charged with investigation of offenses relating to election of federal officials.

### **Election officials for various local elections**

The officials described above, with some exceptions, do not serve in local elections not held with the general elections. Inspectors of election therefore must be appointed to conduct elections in fire districts, villages and school districts, as well as in towns when special elections are held. When registration is required for school elections, the board of education must appoint a board of registration.

### **Conduct of Elections**

THE law defines in minute detail the procedures for the conduct of general elections. For example, it describes the tone of voice ("loudly and distinctly") which an inspector of election is to use in making certain announcements.

Many provisions are made in the law to preserve secrecy of the ballot, to permit voting for those whom the voter freely chooses, and to guard against fraud on the part of voters, candidates for office, election officials and others.

Much activity on the part of many officials precedes an election. Reports are required concerning offices to be filled by election, candidates

for office whose names are to appear on ballots, and state or local propositions to be voted upon. Supplies, such as registration books, challenge affidavits and ballots must be purchased and distributed. Notices must be published in newspapers or posted concerning candidates and propositions. Provision is made for investigations of qualifications of voters and for other preliminaries.

The inspectors of election are responsible for conducting local registration and elections in each district. Clerks assist in general elections in districts where they are required.

Before a voter is permitted to vote, he must sign his name in a copy of the register prepared on registration days, in the registration poll record or in a poll book. A person voting for the first time in the State who did not register personally must prove ability to read and write English before he may vote. When a new voter registers personally, evidence of literacy is required at the time of registration.

### Challenge of voters

At a primary election, an inspector, watcher, challenger, or a qualified voter present may challenge any person applying to vote. At an election



FIGURE 2. INTERIOR OF A POLLING PLACE

Enrollment booths are at the left of the voting machine; three of the four inspectors of election seated at the table are recording the voters; the watcher sits at the end of the table; the woman and the man prepare to vote. The chairs form a guard rail as required by law.

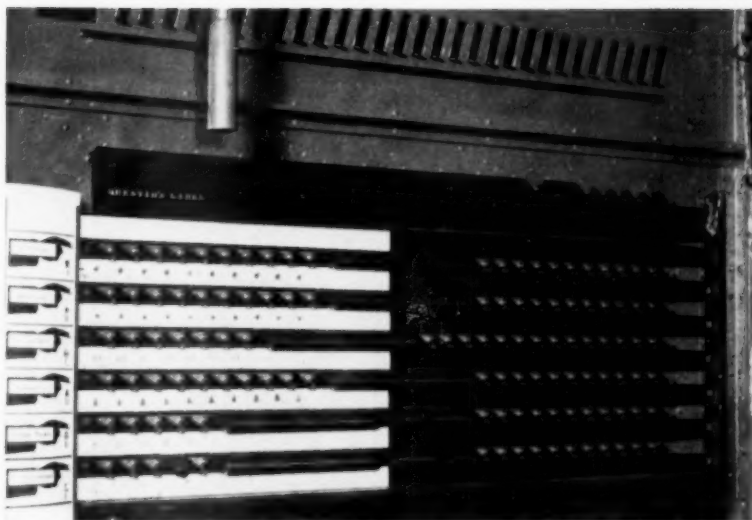


FIGURE 3. A VOTING MACHINE

The use of voting machines has been required for general elections in New York State since 1938. Machines may be used at any other election.

other than a primary, an inspector, watcher, or challenger may challenge. An inspector must challenge every person offering to vote whom he shall know or suspect not to be entitled to vote in the district; he must challenge those whom he is required by a qualified voter, by previous notice, to challenge; and he must challenge those whose names are on the challenge list provided by the board of elections. The person challenged must answer, under oath, the questions required by law to be asked by an inspector, if he is to vote.

Any qualified voter of the district may challenge a person applying to vote at a school election.

### **Voting machines**

Voting machines must be used at general elections in New York. They may be used at any election. The law provides in detail for inspection of machines before an election begins, training of inspectors of elections in the use of the machines, and their care and custody following an election.

Sample voting machines are available at the polling place for those who desire instruction. Voters indicate choices by pulling levers. A person

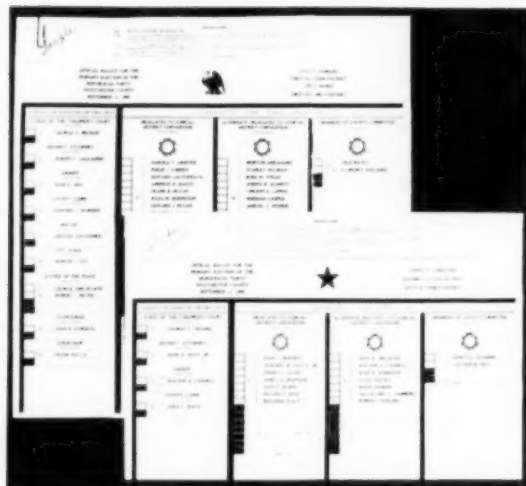


FIGURE 4. OFFICIAL PAPER BALLOTS

Paper ballots are common at primary elections, and are often used at other elections, but a voting machine is required at a general election.

may change his vote while still in the booth by correcting the levers pulled. *He leaves the levers down when finished.* Opening the curtain automatically records the vote and returns the levers to the neutral position.

#### Canvass of votes

When the polls are closed, the inspectors follow procedures detailed by law for checking the number of votes cast and canvassing the votes for the various candidates and propositions. When the canvass is complete, the inspectors prepare copies of returns. Results of the election must be publicized. A copy of the return of canvass, together with other records, is delivered to the board of elections; a second copy is filed with the town or city clerk; and a third, if prepared, is provided the town or city supervisor.<sup>11</sup>

The county board of canvassers must complete its canvass of returns from the election district, and make a recanvass by checking voting machines and ballots used, within 25 days after the election. Except in New York City and Westchester County, the board of elections arranges for newspaper publication of the results of the canvass of the election of

<sup>11</sup> This procedure does not apply to elections of town, city, village, or school officers held at a different time from a general election.

assemblymen and local officers, and of voting upon local propositions. The board also provides each person elected a certificate of election.

It also delivers to the Secretary of State and the Attorney General of New York State a statement of the results of the canvass of votes relating to federal and state offices and to constitutional amendments or other questions submitted to all the voters of the State. It reports to the Secretary of State those elected to county offices and as members of assembly.

The State Board of Canvassers canvasses the returns from the county boards, and the Secretary of State notifies the successful candidates. Notice is also given by the specified state authorities to designated federal offices when the election of federal officials is involved.

### **Absentee voting**

Certain qualified voters may vote at general elections by absentee voters' ballots. They include those indicated above as being eligible for absentee registration with some exceptions. The near relatives of the ill or physically disabled are not included. A person whose duties require him to be absent, and his near relatives, may be only outside the county rather than outside the State.

A prospective absentee voter must make an application explaining his anticipated absence on election day. He may obtain the application from his board of elections, or from the inspectors of his election district on the local registration days. He must mail or deliver it to the board of elections no later than the seventh day before election. Inmates of veterans' hospitals and their near relatives, who have been registered by special registration boards, receive absentee ballots without application if determined to be qualified voters.

Persons eligible to vote by absentee ballot must, nevertheless, register personally if they live in areas where personal registration is required, unless they are eligible for absentee registration. Some people may apply for both absentee registration and absentee voting at the same time. They include individuals permanently confined because of illness or physical disability and unable to appear personally. They also include those whose duties require them to be continuously outside the State through a period covering central registration and general election day.

The board of elections, upon receiving an application for absentee voting, determines whether the person qualifies. If so, it provides him with the ballot, which must reach the board of elections office no later than the Friday before election.

Provisions for absentee voting apply only to general elections, except for members of the armed forces as described below.

### Voting by military ballot

Over the past several years, the Legislature has annually enacted special provisions in the Election Law whereby those in the military service of the United States or New York State, and absent from their election districts for this reason, may vote in general elections and certain special elections. Similar measures now apply to their spouses, parents and children if accompanying them and if residents of the same election district. The special provisions do not preclude voting by absentee ballot, or voting in person, if the individual prefers and is able to follow one of these alternatives.

Under military ballot procedures, the Division for Servicemen's Voting in the Department of State of New York State sends postcard military ballot applications to servicemen for whom it has obtained an address. The military voter completes and returns the application. By early October, the boards of elections send military ballots to those making valid applications. The individual votes the ballot, signs his name to a statement on the ballot envelope, and returns the ballot in time to reach the Division for Servicemen's Voting by noon of the day before the general election. The voter's signature to the statement constitutes both personal

NAME AND ADDRESS MUST BE FILLED IN BY INSPECTOR OF ELECTION (Sec. 173)

**PRIMARY ENROLLMENT FOR THE YEAR 19**

**Enrollment No.**

**COUNTY OF WESTCHESTER**

**Town or City of** .....

**Word** ..... **District**

**Name of Voter** .....

I, ....., do solemnly declare that I am a qualified voter of the election district in which I have been registered and that my resident address is .....; that I am in general sympathy with the principles of the party which I have designated by my mark hereunder; and that it is my intention to support generally at the next general election, state or national, the nominees of such party for state or national offices.

REPUBLICAN PARTY	DEMOCRATIC PARTY	LIBERAL PARTY
		

Make a cross X mark or a check ✓ mark with a pencil having black lead, or with a pen in the circle under the emblem of the party with which you wish to enroll, for the purpose of participating in its primary elections during the next year. Then fold the blank so as to conceal its face and deposit it in the enrollment box.

FIGURE 5. PRIMARY ENROLLMENT BLANK

Enrollment is the procedure by which the voter indicates the party with which he wishes to affiliate. Voters must enroll to be able to vote in primary elections, and to participate in other party decisions. Parties are indicated on the blanks in order of number of votes cast for Governor at the last gubernatorial election.

registration, and, in the case of a new voter, proof of literacy. The ballots are then forwarded, through the county boards of elections, to the inspectors of election of the district in which the military voter is a resident.

A serviceman who has not already filed a ballot application, may apply to the Division or his county board of elections up to the middle or late October, depending upon the date specified in the law each year. He may apply personally to his county board at any time before the Saturday noon prior to election day.

### **Election expenses**

The expenses incurred by the county board of elections are a charge on the county. When the towns, cities, or villages hold an election at the time of the general election, the expense of printing and delivering the official ballots, sample ballots, tally sheets, and return blanks is apportioned by the board of elections in the proportion that the number of candidates for each unit is to the total number of names on the ballot. The costs of voting machines are a charge to the town, village, or city.

## **Selection of Candidates for Office**

### **Enrollment of Voters**

**E**NROLLMENT is the procedure by which the voter indicates the political party with which he wishes to affiliate.

He may enroll in a political party at the time of registration. Upon completion of registration, he is given a blank on which he indicates the party of his choice. The blank is folded and deposited in the enrollment box. If he does not choose to enroll in any party, he may return the blank unmarked. Where non-personal registration is practiced, voters who did not appear at registration may enroll at the general election. Where permanent personal registration prevails, a voter may enroll when he is registered, and he may change his enrollment during central or local registration. Following general election day the enrollment box is delivered to the board of elections, opened, and the name of the party designated by each voter is entered on the register or registration poll record. Special enrollment procedures are provided for persons who were unable for certain reasons to enroll on the preceding regular enrollment dates.

An individual's political party affiliation in New York is thus information of public record available to any interested person.

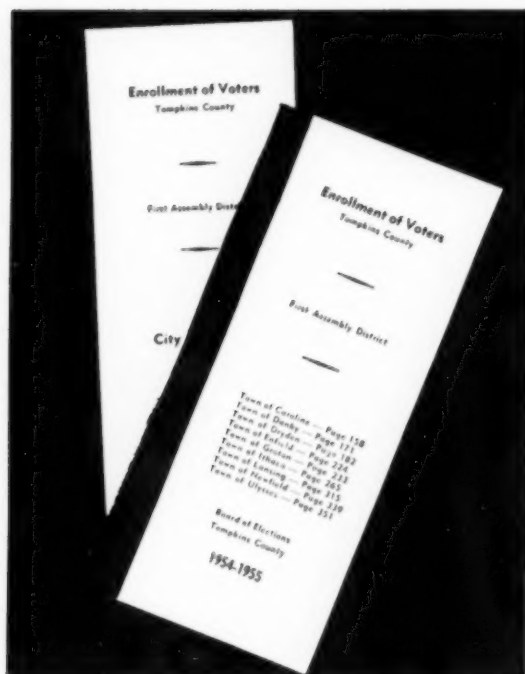


FIGURE 6. ENROLLMENT LIST OF VOTERS

The board of elections must provide a record that shows the name, the address, and the party affiliation of each voter. These lists are available to any interested person.

### Political Party Organization

**P**OLITICAL parties are an essential part of the system of elections in New York. They play a dominant role in the selection of candidates for many offices. The two major parties exercise major responsibility for the administration of election machinery.<sup>12</sup>

In New York, a political party is defined by the Election Law as any political organization which at the last gubernatorial election polled at least 50,000 votes for governor. Since 1954, the parties have included the Republican, Democratic, and Liberal.

The Election Law provides for the organization of parties and the methods for designating and nominating candidates. Within the framework of the law each party enacts rules to guide its operation.

<sup>12</sup> Refer to discussion of *Election Officials*, page 14.



Party organization is based largely on committees. The law requires a state committee, county committees, and such other committees as the rules of the party provide. The party organization of each major party includes a national committee.

The state committee of the two major parties consists of two members, a man and a woman, from each of the 150 assembly districts. Each member must be an enrolled voter of the party in the district he represents, and is entitled to one vote on the committee.

The county committee of each party is supposed to include at least two members from each election district, and may include not over two additional members in proportion to the party vote for governor in the election district. Each county committeeman must be an enrolled voter of the party within the assembly district from which he is elected. Party rules may provide for equal representation of men and women on county committees.

Members of the state and county committees in New York are elected at primary elections. State committeemen are elected in each even-numbered year; county committeemen, annually, unless the rules of the county committee provide for biennial election. Both state and county committeemen are elected at the fall primaries except in presidential years when their election is at the spring primaries.

In addition to the state and county committees, the rules of the various party organizations may provide for other committees, such as those in judicial districts, congressional districts, state senatorial districts, cities, towns and villages. Committees within the State other than state and county committees are formed in the manner provided by party rules. Thus, congressional district committeemen may be selected by the county committees or county chairmen within the districts. A town committee may consist of the county committeemen elected from the town.

Each state and county committee may prepare rules for the government of the party within its political subdivision. A state committee must file a copy of such rules with the Secretary of State of New York State, and a county committee must file copies with the Secretary of State and the county board of elections.

The membership of the national committees of the two major parties includes a man and a woman from each State, and representation from other areas and territorial possessions of the United States. Nominations to the national committees are made as prescribed by the various States or by the party organizations within the States, at the national conventions every four years. Each national committee elects officers and provides for an executive committee.

### **Nominations of Candidates**

The three principal ways political parties in New York State nominate their candidates for office are: conventions, primaries, and caucuses. In addition, independent candidates may be nominated by petition, or a voter may "write in" on the ballot the name of his choice at an election.

Presidential and vice presidential nominees are chosen by the major political parties at national conventions. At state conventions, parties nominate the candidates for United States Senator and for the state offices which are to be filled by the voters of the entire State.<sup>13</sup> Nominations for congressmen, state senator, assemblyman, and the county offices are made at the fall primary; for town offices, by caucus, convention or at the fall primary; for village offices, either by caucus or at a primary at the time of registration for the village election; for city offices, at a primary election or by other means.

#### **National conventions**

National conventions are held in presidential years. Delegates of the major political parties are elected partly from congressional districts and partly from the State at large. The delegates at large and their alternates, are elected by the state committee or by a state convention of the party. District delegates and their alternates are elected at the spring primary.

In New York, national convention delegates elected at the primaries are unpledged to any specific candidates. This is contrary to the practice in some other States. Certain States also conduct a preference vote at the primary by which party voters may express their preference for a presidential candidate by a direct vote on the candidates.

#### **State conventions<sup>14</sup>**

Delegates and their alternates to the state conventions of the major political parties are elected from the 150 assembly districts at the preceding fall primary. The time and place for holding the state conventions are determined by the state committees within limits prescribed by law.

#### **Primary elections**

Fall and spring primary elections are held in New York, the fall primary annually, and the spring primary only in presidential years.<sup>15</sup> The

<sup>13</sup> Candidates for state supreme court justice are nominated by judicial district convention, and voted upon by the voters of the judicial district.

<sup>14</sup> Delegates to judicial district conventions are elected in a similar way to those to state conventions. The basis for representation is approximately similar.

<sup>15</sup> In the 1956 presidential year, a single primary election was held in June.

spring primary is on the first Tuesday in April. The fall primary is normally on the seventh Tuesday before the general election, although military ballot provisions in recent years have specified earlier dates. Primary elections are held so the enrolled voters of a party may nominate party candidates for office, and elect party representatives, such as county and state committeemen and convention delegates. In the years when spring primaries are held, the state committeemen, county committeemen (when elected in these years), and national convention delegates are elected at that time. In other years, the committeemen are elected in the fall primaries at the same time that party candidates are nominated for office by primary election.

A candidate is *designated* to run in the primaries either for a position in the party organization or for nomination to public office. The designee for a party position, who receives the largest number of votes in the primary, is thereby elected to the position. The designee for a public office who wins in the primary is thereby *nominated* to be the party candidate to run in the subsequent election.

The designation of a candidate for party nomination or for election to party position at a primary must be by petition. The form of the petition and the information required is prescribed in detail by the law. It must be signed by enrolled members of the party, the number being specified in the law. For example, petitions for offices to be voted upon throughout a county of from 25,000 to 250,000 population must be signed by 500 enrolled voters of the party. Signatures cannot be obtained earlier than 11 weeks before the primary. The petitions must be filed between the sixth and fifth Tuesdays before the primary. Those from districts larger than a county, such as for congressmen or state senators in most rural areas, are filed with the Secretary of State of New York; those for most other offices are filed with the board of elections.

Although the designation of a person whose name is to appear on a primary ballot must be by petition, voters at a primary may vote for persons whose names are not on the ballot by writing in the names of their choices.

### Caucuses

Party nominations of candidates for town or village offices may be made at a party caucus, or meeting of the voters of the party. Notice of a caucus for this purpose must be given in a newspaper or be posted in public places. Only enrolled party voters may participate. The county committee may prescribe rules governing conduct of such caucuses.

### **Independent nominations**

An individual may be nominated independently of party organizations. This is done by petition similar to those filed for party designations. The individual so nominated then runs in the ensuing election against party nominees and other independent candidates.

A petition must be signed by a prescribed number of qualified voters which is generally greater than the number required for party designating petitions. An independent nominating petition to a county office, for example, must be signed by voters numbering 5 per cent of the votes cast for governor at the last gubernatorial election in the county or 1,500, whichever is less.

## **Elections According to Units of Government**

### **Federal Elections**

**E**LECTED federal officials include the President, the Vice President, the senators, and the representatives (table 1, page 6).

Voters do not vote directly for candidates for President and Vice President but for presidential electors. The Federal Constitution allots to each State a number of electors equal to the number of senators and representatives from that State to be chosen as the State Legislature may direct. In New York, party nominations for the office of elector are made by the state committees. The voters of the entire State vote upon all the electors, and each voter ordinarily votes for those nominated by one party or independent body. Thus all the electors of the winning party and none of the others are elected. Those who are elected convene at Albany on the first Monday after the second Wednesday in December following their election, and organize the electoral college. They then vote by ballot for President and Vice President. Since they generally vote in the electoral college for their party candidates, the electoral vote from the State is cast entirely for one presidential and vice presidential nominee even though there may have been a substantial minority of popular votes for some other candidates. The same procedure prevails generally in other states.

A majority, rather than a plurality, of the electoral votes from all States is required to elect a presidential candidate. If no candidate receives a majority, the House of Representatives must choose a President from the three candidates with the most electoral votes. The representation from each State in the House has one vote in choosing the President, and a majority vote of the States is required for election.

Two senators are elected from New York and each of the other States for six-year terms. One-third of the 96 senators are elected in each even-numbered year.

Representation in the House of Representatives from among the States is based upon population, except that each State must have at least one seat. The representation to which each State is entitled is supposed to be adjusted following each federal census. After the Census of 1950, New York was allotted 43 of 435 seats. In New York, representatives are elected from congressional districts, apportioned by the State Legislature approximately according to population.

The conduct of elections of federal officials is largely left to the States. The Federal Constitution provides that the times, places, and manner of holding elections for senators and representatives shall be prescribed by each State Legislature. Congress may make or alter these regulations, but little such legislation is in effect. The Constitution further provides that the voters who vote for representatives and senators shall have the same qualifications prescribed for those who vote for the most numerous branch of the State Legislatures, and that the right of United States citizens to vote shall not be denied or abridged by the United States or any State because of race, color, or sex.

### State Elections

VOTERS of the entire State elect the Governor, the Lieutenant Governor, the Attorney General, and the Comptroller, for four-year terms (table 1). Seven judges of the Court of Appeals, the highest state court, are also elected by voters from throughout the State, but for fourteen-year terms. Justices of the Supreme Court are elected according to judicial districts. The number elected in the ten judicial districts varies from 6 to 36.

The New York State Constitution provides that, with certain exceptions, the State Senate shall consist of 50 members. The members are elected from senatorial districts, apportioned according to complicated constitutional provisions in which a major consideration is population. The Legislature is supposed to reapportion the districts following each federal census. Following the Census of 1950, 58 state senatorial districts were established. Twenty-five are in New York City. Fifteen districts outside New York City include more than one county.

The State Constitution requires that the State Assembly consist of 150 members, each elected from an assembly district. The Legislature is to reapportion assembly districts each time that senate districts are readjusted. Population is a minor factor, except that each county shall have at least one assemblyman<sup>16</sup>. Of the 150 assembly districts, 65 are in New York City, 40 are in 11 counties containing more than one district, 44 are

<sup>16</sup> Fulton and Hamilton Counties are combined into one assembly district because of the small population of Hamilton County.

in counties containing one district, and one included Fulton and Hamilton Counties.

The voters of New York also vote upon state questions and propositions from time to time. The principal types of questions are those involving amendments to the State Constitution, and propositions authorizing state indebtedness or low rent public housing subsidies.

### County and Town Elections

**A**N important elective body of the county is the board of supervisors, the membership of which consists of the supervisor from each town in the county and representation from any cities of the county in accordance with provisions of the city charters. Each supervisor is elected by voters of his town, city, or city ward, and not by the entire county electorate.

The supervisors and other town officers are elected in the odd-numbered years except in Broome County. The county officials elected (table 1) vary from year to year, depending upon when the term of the particular official expires. This is unlike the situation in the Federal and New York State Governments in which all the elected executive officials of each government are voted upon in the same election.

Party nominations of candidates for town offices are made by caucus, convention, or primary as determined by the Election Law and the rules of the county committee. The members of the county committee elected from a town may, however, adopt a rule by two-thirds vote providing that its party candidates for town offices shall be nominated at the fall primary.

### City Elections

**E**ACH of the 62 cities of the State is organized according to the provisions of its charter as enacted by the State Legislature. The provisions of the charters vary widely among cities. For this and other reasons it is difficult to describe generally the city offices to be filled by election. In most cities a mayor and councilmen are elected. The other city officers elected vary among cities. City supervisors are usually elected by wards within the city to serve on the county board of supervisors.

### Village Elections

**T**HE organization of the approximately 550 villages of the State, their elected officials, and the provisions for the conduct of elections are subject to considerable variation. This results, in part, because of special laws relating to many individual villages and because the larger villages have been provided certain home-rule powers by the State Constitution.

Regular village elections in most villages are held on the third Tuesday in March, and not at the time of the general election in November. For this and other reasons, the time and methods of conducting the various steps in the election procedures are frequently different from those described for general elections. For example, in village elections not held with the general election, the clerk of the village must provide the ballots and other supplies needed. In a general election, the county board of elections furnishes these supplies. Other steps in the procedure are the responsibility of village officials rather than county.

### School District Elections

SCHOOL DISTRICT elections generally are conducted independently of other elections, except in the cities of Rochester and Syracuse.

Many provisions relating to school elections are found in the Education Law rather than the Election Law. School election procedures are generally prescribed in less detail than are those for general elections. These procedures are for the most part simpler than for general elections, although they tend to be more complex in the larger districts than in the smaller ones.

Nominations of candidates for school elections are generally more informal and less closely associated with political party organization than is usually the case in relation to nominations of candidates for general elections. In city school districts in which annual elections are held in May, nominations of candidates for members of the board of education must be by petition to the board signed by at least 100 qualified voters of the district. In central or union free school districts nominations must also be made by petition to the clerk of the district. In other districts in rural areas, nominations are generally made by motion from the floor at the school meeting.

In districts where candidates are nominated by petition, official ballots must generally be prepared. In other districts, officers must be elected by ballot which may be written rather than typed or printed. If central or union free school districts use voting machines, the board of education must prescribe rules, approved by the State Commissioner of Education, regarding the manner of making nominations or submitting questions or propositions.

Elective school district officials, voter qualifications, the time of holding school district elections, provision for registration in certain school districts, and other aspects of school district elections are described in the pertinent sections above.

## New York State Political Calendar

### An example of a presidential election year (1956)

Jan. 3 - May 5	<i>Special Enrollment of Voters</i>
	<i>Primary Petitions</i>
February 21	Last day for county chairman to notify board of elections of party positions to be filled
March 20	First day for signing designating petitions
Apr. 24 - May 1	Dates for filing designating petitions
May 17	Certification by Secretary of State to board of elections of designations filed in his office
	<i>Independent Nominations</i>
Aug. 3	First day for signing petitions
Sept. 7 - 14	Dates for filing independent nominations
June 5	<i>Primary Election</i>
Sept. 25	Last day for Secretary of State to certify to board of elections nominations filed with him
	<i>Conventions</i>
August 13	Democratic National Convention
August 20	Republican National Convention
Sept. 10 - 11	Dates for holding state conventions
Sept. 11 - 12	Dates for holding judicial district conventions
	<i>Registration</i>
May 1 - Sept. 20	Central registration with board of elections for annual personal or non-personal registration
	<i>Local Registration (Annual Personal)</i>
Oct. 8 - 13	New York City and Westchester County
Oct. 5, 6, 12, 13	Other cities and villages of 5,000 or more population
Oct. 6, 13	<i>Local Registration (Non-personal)</i>
Oct. 5, 6, 8 - 13	<i>Local Registration (Permanent Personal)</i>
	<i>Absentee Voting</i>
Oct. 30	Last day to file affidavit with board of elections
Nov. 2	Last day for receiving absentee ballots
Nov. 6	<i>General Election</i>
December 17	<i>Electoral College Convenes in Albany</i>

Cooperative Extension Service, New York State College of Agriculture at Cornell University and the U. S. Department of Agriculture cooperating. In furtherance of Acts of Congress May 8, June 30, 1914, M. C. Bond, Director of Extension, Ithaca, New York.